

Matthew L. Sharp, Esq.
Nevada Bar No. 4746
MATTHEW L. SHARP, LTD.
432 Ridge St.
Reno, NV 89501
(775) 324-1500
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Counsel for Plaintiff Jordan John Walk

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JORDAN JOHN WALK, Derivatively on
Behalf of Nominal Defendant DRAFTKINGS
INC., F/K/A DIAMOND EAGLE
ACQUISITION CORP.,

Plaintiff,

v.

JASON ROBINS, HARRY EVANS SLOAN,
MATTHEW KALISH, PAUL LIBERMAN,
WOODROW H. LEVIN, SHALOM
MECKENZIE, JOCELYN MOORE, RYAN
R. MOORE, VALERIE MOSLEY, STEVEN
J. MURRAY, HANY M. NADA, JOHN S.
SALTER, MARNI M. WALDEN, JASON K. PARK,
JEFF SAGANSKY and ELI BAKE,

Defendants,

and

DRAFTKINGS INC. F/K/A DIAMOND EAGLE
ACQUISITION CORP.,

Nominal Defendant.

Case No.: 3:21-cv-00453-MMD-CLB

STIPULATION TO EXTEND TIME
TO SERVE DEFENDANTS

WHEREAS, on October 21, 2021, Plaintiff Jordan John Walk (“Plaintiff Walk”) filed a shareholder derivative action on behalf of Nominal Defendant DraftKings Inc. f/k/a Diamond Eagle Acquisition Corp. (“DraftKings” or the “Company”) in this Court alleging breaches of fiduciary duties, waste of corporate assets, and for contribution under Sections 10(b) and 21D of the Securities Exchange Act of 1934 (the “Exchange Act”), against Defendants Jason Robins, Harry Evans Sloan, Matthew Kalish, Paul Liberman, Woodrow H. Levin, Shalom Meckenzie, Jocelyn Moore, Ryan R. Moore, Valerie Mosley,

Steven J. Murray, Hany M. Nada, John S. Salter, Marni M. Walden, Jason K. Park, Jeff Sagansky and Eli Baker (hereinafter “the Individual Defendants”), captioned *Walk v. Robins, et al.*, Case No. 3:21-cv-00453-MMD-CLB (the “*Walk Action*”);

WHEREAS, on November 2, 2021, Plaintiff Walk served Nominal Defendant DraftKings with a Summons and a copy of the Complaint;

WHEREAS, counsel for DraftKings has been in communication with counsel for Plaintiff Walk as to accepting service of the Complaint on behalf of the Individual Defendants but the Individual Defendants have not yet finalized their retention of counsel to represent them;

WHEREAS, the Parties therefor jointly stipulate, subject to this Court’s approval, to allow for a thirty (30) day extension of time in order for the Individual Defendants to compete their retention of counsel so that they may properly accept service of the Summons and Complaint;

WHEREFORE, the Parties, through their undersigned counsel, hereby agree, stipulate, and respectfully request that the Court enter an order as follows:

1. Plaintiff Walk’s time to serve the Individual Defendants is extended until thirty (30) days after the entry of this order.

IT IS SO STIPULATED.

Dated: January 19, 2022

Dated: January 19, 2022

MATTHEW L. SHARP, LTD.

HOLLAND & HART LLP

/s/ Matthew L. Sharp

/s/ J. Stephen Peek

Matthew L. Sharp
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432 Ridge St.
Reno, NV 89501
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J. Stephen Peek
Nevada Bar No. 1758
9555 Hillwood Drive, 2nd Floor
Las Vegas, NV 89134
(702) 222-2544

matt@mattsharpplaw.com
Counsel for Plaintiff Walk

speek@hollandhart.com
*Counsel for Defendant DraftKings Inc.**
*(*See attached email chain)*

IT IS SO ORDERED.

DATED: January 19, 2022


UNITED STATES MAGISTRATE JUDGE

CERTIFICATE OF SERVICE

Pursuant to FRCP 5(b), I hereby certify that I am an employee of MATTHEW L. SHARP, LTD., and that on this date, I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to all counsel of record.

DATED this 19th day of January 2022.

/s/ Cristin B. Sharp
An Employee of Matthew L. Sharp, Ltd.

From: [Matt Sharp](#)
To: [Cristin Sharp](#)
Subject: FW: DraftKings - stip to consolidate etc.
Date: Wednesday, January 19, 2022 2:57:57 PM

Matthew L. Sharp
Law Office of Matthew L. Sharp
432 Ridge St.
Reno, NV 89501
Matt@MattSharpLaw.com
775-324-1500
Member American Association for Justice Leaders Forum
Board of Governors American Association for Justice
Board of Governors Nevada Justice Association

From: Steve Peek <SPeek@hollandhart.com>
Date: Wednesday, January 19, 2022 at 2:42 PM
To: "T.J. McKenna" <TJMcKenna@gme-law.com>, "Frawley, Brian T." <FrawleyB@sullcrom.com>
Cc: "Weinstein, Timothy J." <weinsteint@sullcrom.com>, "Sullivan, Charles H." <sullivanc@sullcrom.com>, "Kim, Phillip (pkim@rosenlegal.com)" <pkim@rosenlegal.com>, 'Erica Stone' <estone@rosenlegal.com>, Greg Egleston <egleston@gme-law.com>, Matthew Sharp <matt@mattsharplaw.com>
Subject: RE: DraftKings - stip to consolidate etc.

I have reviewed and approved and Matt has my permission to e-sign for me.

From: T.J. McKenna <TJMcKenna@gme-law.com>
Sent: Wednesday, January 19, 2022 2:41 PM
To: 'Frawley, Brian T.' <FrawleyB@sullcrom.com>; Steve Peek <SPeek@hollandhart.com>
Cc: 'Weinstein, Timothy J.' <weinsteint@sullcrom.com>; 'Sullivan, Charles H.' <sullivanc@sullcrom.com>; 'Kim, Phillip (pkim@rosenlegal.com)' <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; 'Matthew L. Sharp (matt@mattsharplaw.com)' <matt@mattsharplaw.com>
Subject: RE: DraftKings - stip to consolidate etc.

External Email

Here is the clean version for Steve to give Matt permission to sign and file. Thanks.
TJ

From: T.J. McKenna

Sent: Wednesday, January 19, 2022 5:38 PM

To: 'Frawley, Brian T.' <FrawleyB@sullcrom.com>; J. Stephen Peek (speek@hollandhart.com) <speek@hollandhart.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivanc@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>

Subject: RE: DraftKings - stip to consolidate etc.

Brian:

Thanks – these edits are fine. I will make a clean version. If Steve Peek could let Matt Sharp know if he has permission to sign Steve's name, we can get it filed today.

TJ

From: Frawley, Brian T. <FrawleyB@sullcrom.com>

Sent: Wednesday, January 19, 2022 5:35 PM

To: T.J. McKenna <TJMcKenna@gme-law.com>; J. Stephen Peek (speek@hollandhart.com) <speek@hollandhart.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivanc@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>

Subject: RE: DraftKings - stip to consolidate etc.

TJ – I am adding Steve Peek, DraftKings' Nevada counsel here. DraftKings is okay with the attached with the modest edits reflected. Perhaps if okay with the Nevada folks they can run with it.

From: T.J. McKenna <TJMcKenna@gme-law.com>

Sent: Wednesday, January 19, 2022 10:48 AM

To: Frawley, Brian T. <FrawleyB@sullcrom.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivanc@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>

Subject: [EXTERNAL] RE: DraftKings - stip to consolidate etc.

Brian:

Ok, thanks, please let me know as soon as you can today.

TJ

From: Frawley, Brian T. <FrawleyB@sullcrom.com>

Sent: Tuesday, January 18, 2022 5:40 PM

To: T.J. McKenna <TJMcKenna@gme-law.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H.

<sullivan@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>

Subject: RE: DraftKings - stip to consolidate etc.

TJ – We are working on sign-off. We will at the very least need to alter the signature block to DraftKings' Nevada counsel (Steve Peek @ Holland & Hart). But I will get back to you tomorrow

From: T.J. McKenna <TJMcKenna@gme-law.com>

Sent: Tuesday, January 18, 2022 5:18 PM

To: Frawley, Brian T. <FrawleyB@sullcrom.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivan@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>; Matthew L. Sharp (matt@mattsharplaw.com) <matt@mattsharplaw.com>

Subject: [EXTERNAL] RE: DraftKings - stip to consolidate etc.

Brian:

Just following up on this – any edits or can we sign your name for you and file ?

TJ

*Thomas J. McKenna Gainey McKenna & Egleston 501 Fifth Avenue, 19th Floor, New York, NY 10017
Tel: 212-983-1300 / Fax: 212-983-0383 / Cell: 914-552-2786*

From: T.J. McKenna

Sent: Monday, January 17, 2022 3:23 PM

To: 'Frawley, Brian T.' <FrawleyB@sullcrom.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivan@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>

Subject: RE: DraftKings - stip to consolidate etc.

Brian:

Let me know if you think this draft stip will work to buy some more time to sort out the representations of the individual defendants?

TJ

From: Frawley, Brian T. <FrawleyB@sullcrom.com>

Sent: Friday, January 14, 2022 4:25 PM

To: T.J. McKenna <TJMcKenna@gme-law.com>

Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivan@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>

Subject: RE: DraftKings - stip to consolidate etc.

TJ – While I would need to confer with client(s), we do not have an issue in principle with the stipulation. We have not yet sorted out representation of all of the individuals. Perhaps this could be styled a stipulation with DraftKings alone as the only served defendant, or a motion unopposed by the served defendant (again, I would still need to get the company's agreement). We expect to sort out the representations of all defendants by the end of next week. Obviously, the same issue applies to the defendants in the cases in state court.

From: T.J. McKenna <TJMcKenna@gme-law.com>
Sent: Thursday, January 13, 2022 11:43 AM
To: Frawley, Brian T. <FrawleyB@sullcrom.com>
Cc: Weinstein, Timothy J. <weinsteint@sullcrom.com>; Sullivan, Charles H. <sullivanc@sullcrom.com>; Kim, Phillip (pkim@rosenlegal.com) <pkim@rosenlegal.com>; 'Erica Stone' <estone@rosenlegal.com>; Greg Egleston <egleston@gme-law.com>
Subject: [EXTERNAL] RE: DraftKings - stip to consolidate etc.

Brian:

We have conferred with the Rosen firm who filed a deriv case on behalf of their client in the same court as our client. We are prepared to work cooperatively with the Rosen firm, assuming we can get this stipulation agreed upon and filed promptly. Please review and let us know if we have your permission to sign your name and have it filed by our local counsel. Thanks.

TJ

*Thomas J. McKenna Gainey McKenna & Egleston 501 Fifth Avenue, 19th Floor, New York, NY 10017
Tel: 212-983-1300 / Fax: 212-983-0383 / Cell: 914-552-2786*

****This is an external message from: TJMcKenna@gme-law.com ****

This e-mail is sent by a law firm and contains information that may be privileged and confidential. If you are not the intended recipient, please delete the e-mail and notify us immediately.